

Remarks

The claims have been amended without prejudice or disclaimer, with “consisting essentially of” language replacing “comprising” in claim 1, and combining claims 2, 10, and 12 into claim 1, and canceling claims 2, 10, 12, and 14-18.

The claims were amended to more clearly define the patentability of the invention.

Claim 1 was rejected over Grasso (U.S. 3313308) in view of Walters (U.S. 3196881) and Mensik (U.S. 4517989).

Grasso consists of a mouthpiece (10), and a holding member (16) and a dividing member (18). The dividing member is secured to the holding member by a bayonet connection. The dividing member is secured to the mouthpiece with resilient ring (52).

Walters consists of a mouthpiece 12, a mouthpiece sleeve 14, a tubular sleeve valve 16, a filter shank 20, a pair of o-rings 22 and 24, and a cigarette sleeve 18.

Mensik consists of a combined cigarette holder and mouthpiece 10 and a removable filter cartridge 11 inserted therein.

Claim 1 of the present invention describes a cigarette holder consisting essentially of a mouthpiece, a holder, the holder being directly inserted into the receptacle in the mouthpiece, and two resilient rings.

It is clearly shown that the prior art either individually or in combination does not disclose a cigarette holder consisting essentially of a mouthpiece, a holder, the holder being directly inserted into the receptacle in the mouthpiece, and two resilient rings.

In further particular, the prior art does not disclose a smoking article consisting essentially of a holder and a mouthpiece each of which consists of a single piece of molded plastic wherein the holder is inserted in the mouthpiece, and two resilient rings.

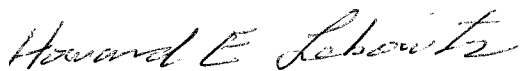
To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art."

In this case all claim limitations are not taught or suggested, therefore the invention as amended is not obvious over the cited art.

Applicant now believes that claims 1, 3-9, and 11 are in condition for allowance and therefore requests reconsideration of these claims as amended, and allowance of these claims.

If examiner desires to discuss any matter involving this case please contact the undersigned attorney at 510-785-8070 between 9 am and 5 pm PST.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Howard E. Lebowitz".

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